

**WALDO COUNTY COMMISSIONERS COURT SESSION  
MARCH 3, 2009 (SPECIAL SESSION)**

**PRESENT:** Commissioners Donald P. Berry, Sr. (Chairman), Amy R. Fowler and William D. Shorey. Also present was County Clerk Barbara L. Arseneau and EMA Director Dale Rowley.

**ABORN HILL TOWER PROJECT UPDATE**

Present for this update was EMA Director Dale Rowley. He reported that the bids for the Aborn Hill Tower design/construction had been reviewed by the members of a Review Committee he had established which included Communications Director Owen Smith, Facilities Manager Keith Nealley, Chief Deputy Robert Keating, County Clerk Barbara Arseneau and himself.

The bids were opened on February 26, 2009 and proposals were received by Black Diamond Consultants, Northern Pride Communications, Green Mountain Communications and Wireless Construction, Inc. Black Diamond was rated highest by the Review Committee, with Northern Pride coming in second. Unfortunately, all of the bid cost proposals were over what funds are available. The Review Committee recommends that the County speak with Black Diamond about performing the design services and develop construction documents, if they are willing to perform these services for a reasonable fee of about 6 to 8% of the total project cost. If not, the Committee recommended speaking with the next recommended company, which is Northern Pride Communications. Once construction documents are received, D. Rowley recommended requesting four contractors submit low-bid proposals to perform the construction. D. Rowley commented that all the companies appeared to be very capable and were well-experienced in tower construction. He added that although the design-build as a single bid was not successful, it did allow the committee to review the technical competence of the contractors, which would not have occurred if it was a strictly low-bid process. This would, however mean that the tower construction would be delayed a few months as a result, but there was still plenty of time to complete the project. The Commissioners agreed with the process as D. Rowley recommended at this time.

**ADDITIONAL EMA REPORTS**

1. D. Rowley also reported that MEMA has offered to fund a HazMat Decon Strike Team in Waldo County, in the amount of approximately \$50,000.00. This is part of leftover Homeland Security funds.
2. Starting April 1, 2009 D. Rowley informed the Commissioners that he will be working 20+ hours for the Air National Guard on a flexible time schedule. This will allow him to stay in the area when his unit is deployed. He still plans on working a 40-hour week for the County, but that will also need to be flexible to include evenings and weekends.

**JAIL MISSION DISCUSSION**

Present for this report was Sheriff Scott Story and Jail Administrator Jason Trundy, and later, Treasurer David Parkman.

S. Story referenced an email he had sent to the County Commissioners with a Jail Mission Change report dated January 23<sup>rd</sup>. He then submitted a "Waldo County Correctional Center Pre-release Summary detailing the concept of changing the Waldo County Correctional Center into a 72- hour

holding facility and re-entry center combination. The staff would be reduced from 26 currently to 15, including the following:

- 1 - Detention Manager
- 1 – Senior Detention Officer
- 1 – Transport Officer
- 2 – Kitchen Staff
- 10 – Detention Officers

This would provide security staff 24/7. In addition, the Re-entry Provider has the potential of providing two Case Manager positions to the existing staff. S. Story commented that the County was going to be obligated to spend 2.8 million dollars every year, and without an effort to change the mission of the Jail, “the County will just be shipping a check and not keeping jobs in Waldo County.” He added that while he wasn’t trying to be a “charity employer,” he wanted to see as many jobs as possible be retained in Waldo County. He informed the Commissioners that the County would not be able to keep all 26 people currently employed at the Correctional Center. He explained that by July 1<sup>st</sup>, he will be laying off about ten individuals. “This is hard to do,” he admitted. “It’s really hard to sit down with someone who has a mortgage, a fiancée or a family and tell them that they no longer have a job.” He asked the Commissioners to allow him to “put a face on this” by giving them a few names and positions of people who may need to be laid off, which he did. He then stated that the Re-entry Center would allow for the continuation of the public works program currently established at the Waldo County Correctional Center and may result in expansion of this program, which has provided over 3,250 hours of inmate labor to government and non-profit agencies within the County during 2008. The program has also provided many hours of inmate labor for the Waldo County Correctional Center, Dispatch Center, Sheriff’s Office and other County buildings.

A re-entry facility would make provision for inmates returning to the Waldo County area upon their release an opportunity to establish employment, receive counseling and reestablish family and community ties needed for successful re-entry into the community. It could also provide a location for other services including Day Reporting for pre-trial and home release clients, a temporary housing assignment for a residential community confinement program and a graduated sanctions program for Probation and Parole clients as an alternative to incarceration.

A. Fowler inquired about graduated sanctions. S. Story explained that this was a system of dealing with inmates who “messed up.” A first offense would have certain consequences and repeat offenses would incur stronger consequences; hence the term “graduated.”

W. Shorey asked S. Story if the State was looking to close the Bolduc Correctional Facility in Warren, and if so, why the State would choose Waldo County as a re-entry facility. S. Story explained that there are about 600 people eligible for re-entry in this service area and Bolduc would not be able to handle that alone. “There would be enough work for everybody,” he explained. It was S. Story’s understanding that the State was not planning to close the Bolduc Correctional Facility. Shift change implementations may occur as a way to try and salvage employment, but he did not know all the details.

A. Fowler reported that last week she spent a day at the Jail to try to understand how it functions, and to “put a face” on the people working there. She agreed that if the County was going to spend 2.8 million dollars regardless, she would like to see as many jobs as possible stay in the County. She had

the highest praise for the staff working at the Waldo County Correctional Center particularly in view of the type of people they have to deal with. She explained that she had an opportunity to work alongside the staff while she was there and commented that she was “blown away.” She had not had any idea what it took to be an officer there and described it as a difficult and often thankless job. She was very impressed with the staff. She compared Waldo’s Correctional Center with jails in other counties experiencing problems such as illegal strip search issues and expressed appreciation that these problems do not seem to exist in Waldo County. She commended the Sheriff and Jail Administrator and reported that the staff had expressed appreciation for the Sheriff and the Jail Administrator for being so dedicated to keeping the Jail open and spending so much time in Augusta trying to accomplish that. Many of them had words of praise for their Sheriff and Captain. When she asked S. Story which correctional facilities were in better physical condition to work in than Waldo’s, he listed several, but it was agreed that Waldo’s staff is outstanding by comparison. She said it had completely changed her viewpoint of the work done up there, it was truly enlightening and even though the staff knows that they may not have a job in the near future, they all continue to do excellent work. She thanked S. Story and J. Trundy for letting her participate that day.

S. Story said that when he first came to work for the county, a Corrections Officer position was considered “a lesser job and a stepping stone to becoming a patrol officer.” When former Jail Administrator Raymond Porter came to work as the Captain, it became the goal of the Captain and Sheriff to make these positions professional and a “career, rather than a stepping stone.” S. Story stated that most of the people that are there want to remain Corrections Officers. He acknowledged that the facility does have plumbing and heating issues. It is an older facility and is a linear construction. Currently there is almost a 2-to-1 inmate/staffing ratio, which S. Story described as “deplorable.” Four (4) employees are responsible for thirty-two (32) inmates. He commented that the Waldo County Correctional Center “is not a good, efficient full-service facility, but could be a good re-entry facility.” That is why a consultant is needed to determine grant opportunities, construction and structural changes, and to work with the BOC and Maine Jail Inspections Division Director Ralph Nichols. Waldo County Correctional may also be able to work together with the Charleston Correctional Facility to take advantage of reduced costs in furnishings, etc. He stated that he recognizes that the County “does not have an open checkbook,” but he did wish for the Commissioners to hire a consultant. He recommended hiring a consultant and paying that person by the hour rather than by the entire project. That could be subject to change as confidence in the process is either gained or lost. S. Story explained that Waldo County needs to have the BOC and Needs Committee on its side. The BOC and Ralph Nichols have already committed a lot of time in this re-entry concept, which has also been helpful.

W. Shorey asked where the funding would come from to change the Waldo County Correctional Center into a re-entry facility. S. Story explained that LD 2080 had originally been drafted to allow for any savings originating with a County, by that County, to stay in and be used by that County. Any savings originating with the BOC would be kept by the BOC. Apparently, this language never made it to print in the actual legislation, and S. Story had spent considerable time looking for it so he knew it was missing. Therefore, since there was a fund balance of approximately \$500,000.00, he understood that the Commissioners have put that money in an account and that this fund balance was being used as cash flow to avoid dipping in the Tax Anticipation Note as long as possible. S. Story asked if a portion of the \$200,000.00 in the Jail Corrections Reimbursement account could be used for the purpose of hiring a consultant. He emphasized that the consultant be paid by the hour rather than by the project in order to keep control on how this progressed.

D. Parkman explained that there has always been a separate account for DOC Corrections Reimbursement. This 80% has always been county money to be used for whatever, not just Jail-related expenditures. He stated that where he and S. Story differed is that S. Story believes that this is strictly Jail money, and D. Parkman acknowledged that S. Story “has a good case.” In 2007, the board budget line was overdrawn and a number of the board bills from other counties were held over until 2008. Boarding went from \$500,000 budgeted in 2007 to \$900,000.00 budgeted in 2008. The 2008 budget included over \$200,000.00 allocated to pay those 2007 invoices that were submitted for payment in 2008, as requested. He felt that any additional money left over in 2008 was “more county money than just jail money.”

S. Story said he would not argue that this was county money, not just Jail money. His contention was that if it is sitting in the Corrections Reimbursement Account, it was a resource to make this project happen. He had also wondered about going to the BOC and asking for some of the extra money they have, but he already knows that he “would probably get laughed out of the room.” The money in the Waldo County Corrections account was the only money he was aware of. In 2008, the Jail experienced a much better year in boarding, largely due to a much better court presence and more court appearances, but also because many of the programs had been enhanced through VOA and Restorative Justice re-entry program, so a lot of money was saved. He felt some of that savings should be attributed to those cost-saving practices.

D. Parkman recommended that money be transferred into a reserve account and then over to the General Fund as needed by the Sheriff. When asked, D. Parkman stated that there is \$325,000.00 in Future Land and Buildings reserves and \$75,000.00 in County Planning. Either could be used.

W. Shorey said his only concern and strong interest in was to see the money going for a consultant would come from an account that was “cousins” with this Jail project. He felt this was important from a public perceptive viewpoint. He was a little “hung up” on using money that maybe could be used for a Deeds building, for example.

S. Story said that his understanding was that any savings realized because of county-originated means should really be saved as corrections money. He felt it could be re-invested in to make this a viable system. D. Parkman said that all the DOC money, which was technically county money, had not been used for anything other than cash flow for Jail expenses at this point. He suggested that it go through there and then in the General Fund. S. Story said he was not contesting this. He asked where the money saved on board costs had gone and was told that it went into the same account as the DOC reimbursement received from the State. He felt that this could rightly be used to offset Corrections-related costs.

D. Parkman stated that there were two ways of looking at this – that once 2008 ended, that money was not just corrections-related anymore.

S. Story asked what the balance in the Corrections Reimbursement account was and was told about \$217,000.00. A. Fowler said that she believed this is where the expenditures should come from.

D. Parkman reminded them that it would have to be put into another reserve account and then put it in the General Fund account to be used to pay those invoices. It has to be authorized by the

commissioners to move it to another reserve account to be used. It could not be put in the regular Jail operating budget. W. Shorey asked if it was just a matter of figuring out which account to move it to. D. Parkman stated that this was true, and to remember that \$16,000.00 was definitely county money.

S. Story suggested not putting a number on it at this point. He felt that any motion should be by-the-hour only. A. Fowler said it made her nervous not to have a definite figure amount to be moved into that account. S. Story did not want some consultant to think they had a large sum of money “to play with.”

D. Parkman said there is \$75,000 in County Planning now. He suggested using that and reimbursing that account later. D. Berry agreed.

**\*\*A. Fowler moved, D. Berry seconded to utilize money from County Planning to hire a Consultant by the hour to examine the Jail mission to become a re-entry facility.**

Discussion: W. Shorey thought the motion should stipulate that it would be replaced from the Corrections Reimbursement account.

**\*\*A. Fowler amended the motion to include the stipulation that the County Planning account may be reimbursed from the Corrections Reimbursement account. W. Shorey seconded.**

Discussion: D. Berry stated, “No legislature ever binds another to anything. It is a wonderful law and a wonderful thing, but I do not trust the State one iota as to what could happen.” He felt it was the same scenario with the District Court system. He would support this mission change at the Waldo County Correctional Center, but had strong reservations about the State of Maine. He had seen too much of this over the years. He was supporting it because if the County did not try to do this, it would be “a major mistake.” A. Fowler felt that the County was already so far to do anything else. She felt that the County needed to pay for a consultant to try to make this happen and to preserve as many jobs as possible within the county. Waldo County is still going to be sending \$2.8 million whether it has a jail or not.

Commissioner Fowler commented about the trouble the new facilities were in after construction and later realizing they were in financial trouble.

S. Story said that other counties banked on extra beds making extra revenue, and it hadn’t worked out in many cases. He commented that there was more anticipated revenue from boarding in the state than there were budgeted expenditures. He stated that this wasn’t the plan for Waldo when they planned the jail. He recommended at that time that Waldo didn’t make that same mistake.

**\*\*Motion, as amended, passed unanimously.**

Story said that he had also been concerned about possible changes from one legislature to the next however, because there were no bills in legislature to change anything about the jails at this point, he felt the County should move forward. He commented, “The day that the State nullifies the caps it set on the counties, taxpayers will have to come up with the money.” He added that every year this went on, the counties should be in good shape.

D. Parkman reported that no money had been borrowed from the T.A.N. account until this week. The regular account still has \$328,000.00 to go into March. This was the first time the County had been in this position in many years, and he was very pleased.

S. Story said that they would have to continue looking at the current jail facility and needs to be met, etc. so that they would not get behind. This is why he was sending things to the Commissioners' home email addresses so that it would expedite their receiving this information. B. Arseneau asked that a copy of be sent to the office; otherwise there was no record in the office that the Commissioners had received this information.

D. Parkman asked when the consultant would be done up there. S. Story said he needed to speak with the consultant he had been making inquiries of and would need to figure out how the RFP process would go.

The Commissioners thanked the Sheriff for the Jail Mission update.

#### **SHERIFF'S REPORT**

In light of the County getting a new deputy, he felt he would like to give the Commissioners a report on a regular basis. He wanted the Commissioners to know that his agencies didn't really have time to put all these items in the papers like other local law enforcement agencies. He explained that the Waldo County Sheriff's Deputies "are just "jammed up to the hilt." He stated that he could easily have one full-time press officer because there just isn't enough time to put all the details of recent work together. He read a detailed report for the month of February. A. Fowler asked for a copy, which was provided to her.

The new deputy position is working out all right at this point, but things will be better when the officer at the Maine Criminal Justice Academy graduates.

There was discussion on borrowing on the TAN so early in the year. W. Shorey wondered if the County could send a letter asking the Towns to try and send there property tax quarterly.

#### **CORRESPONDENCE**

Reporting correspondence to the Commissioners was County Clerk Barbara L. Arseneau with Deputy County Clerk Veronica Stover taking notes as follows:

1. Technology Consultant James Arseneau had notified the County Clerk that Sheriff Story and he had applied for a grant from the Maine Bureau of Highway Safety. This was money collected through Seat Belt Details, and has not been offered by the Maine Bureau of Highway Safety for three or four years. Through this grant, Waldo County has been awarded six (6) CF30 Tough Book laptop computers, which would normally cost about \$3,500.00 each. The County originally was going to spend about \$25,000.00 for five (5) laptops, so this saved the County \$21,000.00 while obtaining an extra computer. The County would only need to spend about \$8,000.00 total for software for these laptops. The Commissioners commended both the Sheriff and Technology Consultant for their effort in taking advantage of this grant opportunity.
2. Cheryl Wilcoxon of the Coastal Counties Workforce, Inc. sent an Email indicating that Waldo County is one of six counties represented by the Workforce and informing the Commissioners that the

Workforce is trying to find ways to let community members in Waldo County know of the services they provide. She requested that the Coastal Counties Workforce be permitted to have their website added to the County's links. B. Arseneau had inquired of the Technology Consultant as to how much work and/or cost this would entail and had learned that it would only be thirty to sixty minutes of coding and testing. He recommended that the County Commissioners request a link to their website from Waldo County's website. The County Commissioners agreed to authorize this link being added to Waldo County's website.

3. The Commissioners noted pay step increases as submitted by Communications Director Owen Smith for the following employees:

- Part-time Dispatcher Michelle Clement completed the CTO class on February 13, 2009, making her eligible for a pay increase from \$12.21 per hour to \$14.51, effective February 14, 2009.
- Part-time Dispatcher Elena Donovan also completed the CTO class on February 13, 2009, making her eligible for a pay increase from \$12.21 per hour to \$14.51, effective February 14, 2009.

4. B. Arseneau informed the Commissioners that National County Government Week is May 3 – 9, 2009 and that the Safety/Department Head Association had decided to submit an idea to the County Commissioners in light of this event. The County of Waldo has a rather simple, non-descript logo and since Waldo County is hosting the MCCA Convention this year and that logo will be used on various things, the Safety/Department Head Committee requested that \$100.00 from the Safety/Department Head line in the Commissioners budget be awarded to the winner of a contest for area high school students who created and submitted a new logo design for the County of Waldo, to be announced at the April meeting of the County Commissioners Meeting prior to National County Government Week. The Commissioners thought this was an excellent idea and authorized the funds being used in this way.

5. B. Arseneau informed the Commissioners that notice had been received from Becky Morgan that the Maine County Commissioners Association has rented the Hall of Flags on May 4, 2009 as a way to participate in National County Government Week. She notified the Commissioners that they could send as many people from their county as they could to meet and greet the legislators. She also invited the Commissioners to let her know if they wished for Waldo County to have a table for display. The Commissioners told B. Arseneau that if anyone was interested in attending, they could, but none of them planned to attend at this time.

6. B. Arseneau spoke with the Commissioners about the impact of recent storms and holidays falling on Monday's on the payroll schedule. Bi-weekly payroll checks are typically delivered on Thursday rather than Friday of the payroll week as a courtesy since they are usually received from the payroll company on Wednesday, but the Personnel Policy states that Friday is the official day payroll checks are to be received by employees. There have been some complaints when weather conditions or holidays have delayed payroll checks by even a few hours, and some employees have come to schedule payments and automatic withdrawals based on expectation of payroll checks being available on Thursdays. The Commissioners agreed that a memo should be issued reminding employees that issuing payroll checks on Thursdays is a courtesy and that since Friday is official pay day, there should be no expectation of checks being available prior to that.

## **MISCELLANEOUS COMMISSIONERS BUSINESS**

Commissioner Shorey briefly reviewed the schedule he had set up with the County Clerk and Human Resources/Payroll Director to work on the Personnel Policy update.

## **FACILITIES REPORT**

Present for this report was Facilities Manager Keith Nealley, who reported the following:

### **1. FUEL OIL BIDS 2009-2010**

K. Nealley submitted a spreadsheet with the bid proposals. He mentioned that there was a fairly good response, although the Jail received a faxed bid from Dead River. This was excluded because it did not come to the right place as a sealed bid according to the specifications in the request for bid proposals.

Both the rack and fixed prices had been requested. K. Nealley commented that the rack prices were “all over the place.” Some companies chose not to bid on fixed prices. Bid proposals were received as follows:

#### **Maritime Energy:**

- Fixed price: \$1.8090
- Rack price: Plus \$0.2000

#### **Thompson’s Oil & Propane:**

- Fixed price: \$1.8920
- Rack price: Plus \$0.2500

#### **Community Fuels, Inc.:**

- Fixed price: \$2.0900
- Rack price: Plus \$0.1500

#### **Moonlight Fuel, Inc.:**

- Fixed price: No bid
- Rack price: Plus \$0.1500

#### **Webber Energy Fuels:**

- Fixed price: No bid
- Rack price: Plus \$0.2163

K. Nealley wondered if he could negotiate for a two-year proposal with whoever the bid was awarded to. A. Fowler wondered if any company would do a two-year bid in this volatile economic environment. W. Shorey said many companies do submit two-year proposals, with the second years price a little higher than the first. After brief discussion, the County Commissioners felt that the second year needed to be bid separately. It was also agreed that the County would be better off locking in at a fixed price for fiscal reasons, rather than going with a fluctuating rack price.

**\*\*W. Shorey moved, A. Fowler seconded locking in with Maritime Energy for a fixed price of \$1.8090 for June 1, 2009 to May 31, 2010. Unanimous.**



**\*\*W. Shorey moved, A. Fowler seconded authorizing K. Nealley to send a letter out to all bidders considering pricing for an option bid for 2010 through 2011 for a fixed price only. Only the three bidders who included Fixed Price bids would be included. Unanimous.**

K. Nealley said he had spoken with Thompson's Oil about shutting down deliveries at Superior Courthouse until further notice so that the County can purchase less fuel at the higher price. K. Nealley will only put enough in the tank as is necessary to keep the heat running.

2. K. Nealley reminded W. Shorey that the two will be meeting after the March 10, 2009 County Commissioners Court Session for some energy conservation discussion, etc.

3. Facilities Technician Gary Daigle has completed the six-month probationary period as a full-time employee effective March 1, 2009.

**\*\*W. Shorey moved, A. Fowler seconded approving the permanent full-time hire of Facilities Technician due to successful completion of the six-month probationary period. Unanimous.**

It was noted that G. Daigle had been hired at the one-year level, due to previous part-time experience as a Facilities Technician, so his next pay step will be the two-year level.

#### **WALDO COUNTY PRESS RELEASES**

After some discussion, the County Commissioners instructed B. Arseneau to issue a press release as appropriate after County Commissioners Court Sessions. There was concern expressed that the taxpayers will not know what is going on. There were a number of important discussions this morning, and nobody there from the press to report it. Important quotes should be included in the press releases. This should be done a minimum of monthly after the regular scheduled sessions. A. Fowler noted that other counties have newsletters, etc., and handle their own press releases to keep the public informed.

#### **NEXT COURT SESSION:**

The next regularly scheduled Commissioners Court Session will be March 10, 2009.

**A. Fowler moved, D. Berry seconded adjourning the meeting at 11:42 a.m. Unanimous.**

Respectfully submitted by *Barbara L. Arseneau*  
Waldo County Clerk